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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,463	01/05/2006	Kimoon Kim	1751-393	1347
6449	7590	08/26/2009	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C.			GROSS, CHRISTOPHER M	
1425 K STREET, N.W.				
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			1639	
			NOTIFICATION DATE	DELIVERY MODE
			08/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

ADVISORY ACTION

It is noted two months from the mailing date of the final rejection is 6/6/2009, which falls on a Saturday. The following next business day (6/8/2009) applicant's proposed after final submission was filed, making the period for reply six months from the mailing of final office action.

The PTOL-303 form mailed with advisory action mailed 7/15/2009 indicated the incorrect period to reply (box 1a ticked). Accordingly, the advisory action mailed 7/15/2009 is hereby vacated in favor of the enclosed corrected PTOL-303 with box 1b ticked.

Continuation of Form PTOL-303 section 3

Applicant's 6/8/2009 filing includes: (i) a declaration indicating Woo Seong Jeon and Kangkyun Baek only made inventive contributions to claims 4-6; (ii) a proposed amendment canceling claims 4-6; (iii) a petition to correct inventorship under 37 CFR 1.48(b), deleting Woo Seong Jeon and Kangkyun Baek; (iv) a certified English translation of Korean patent 10-2003-0045523 filed 07/05/2003, the foreign priority document.

It is noted, however, Korean patent 10-2003-0045523 does not include Kangkyun Baek as an inventor, yet the English translation thereof *includes* claims 4-6 of the current application, apparently contradicting the inventive contribution of Kangkyun Baek, made in the aforementioned declaration, therein precipitating the need for further consideration under 35 USC 102(f).

Additionally, applicant has not provided good and sufficient reasons why the evidence in the declaration mentioned above was not earlier presented in accordance with 37 CFR 1.116(e), nor is there any reason why the proposed amendment was not presented earlier in prosecution. See 37 CFR 1.116 (b)(3)

Accordingly the proposed amendment does not materially reduce or simplify the issues for appeal either.

Nevertheless, in order to advance future prosecution of the present application, the following comments are noted.

If entered, it is acknowledged the aforementioned certified translation would serve to antedate Kim et al as prior art under 35 USC 102(e). If entered, the aforementioned declaration, proposed claim amendment and change of inventorship in concert with the evidence presented in the 12/22/2008 37 CFR 1.132 declaration would preclude Jon et al as prior art under 35 USC 102(a), not being by “another.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER M. GROSS whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571 272 0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M Gross
Examiner
Art Unit 1639

cg

/ Christopher S. F. Low /
Supervisory Patent Examiner, Art Unit 1639